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Department of Energy

ROCKY FLATS OFFICE  
P O BOX 928  
GOLDEN COLORADO 80402-0928

SEP 24 1993

93-DOE-10930

DUE  
DATE

ACTION

DIST LTR ENC

BENEDETTI, R L		
BENJAMIN, A		
BERMAN, H S		
CARNIVAL, G J		
COPP, R D		
CORDOVA, R C		
DAVIS, J G		
FERRERA, D W		
FRANZ, W A		
HANNI, B J		
HEALY, T J		
HEDRAHL, T G		
HILBIG, J G		
KIRBY, W A		
KUESTER, A W		
MANN, H P		
MAHX, G E		
McKENNA, F G		
MORGAN, R V		
PIZZUTO, V M		
POTTER, G L		
RILEY, J H		
SANDLIN, N B		
SATTERWHITE, D G		
SCHUBERT, A L		
SETLOCK, G H		
SULLIVAN, M T		
SWANSON, E R		
WILKINSON, R B		
WILSON, J M		

Mr Martin Hestmark  
U S Environmental Protection Agency, Region VIII  
ATTN Rocky Flats Project Manager, 8HWM-RI  
999 18th Street, Suite 500, 8WM-C  
Denver, Colorado 80202-2405

Mr Gary Baughman  
Hazardous Waste Facilities Unit Leader  
Colorado Department of Health  
4300 Cherry Creek Drive South  
Denver, Colorado 80222-1530

Gentlemen

We are in receipt of your letter notifying us that we are in violation of the InterAgency Agreement (IAG) because we failed to submit the Final Phase II RCRA Facilities Investigation/Remedial Investigation (RFI/RI) Report for Operable Unit (OU) No 2 (903 Pad, Mound, East Trenches) This letter was undated but received September 10, 1993 As per Part 16 of the IAG, we object to this action and hereby invoke the dispute resolution process

The nature of this dispute is whether or not we are currently in violation of the IAG by missing the August 9, 1993, milestone for submittal of the OU2 Final RFI/RI Report Our position is because the schedule was stopped, retroactively on June 21, 1993, as per your August 12, 1993, letter we are not in violation of an August 9, 1993, date Furthermore, once the clock has been restarted, we will have several months time from August 9th to meet the IAG milestone The additional time will be calculated from the June 21, 1993 date, to the date that agreement is reached on the desired methodology for risk assessments That length of time will be added to the August 9, 1993 date, to establish the new Final RFI/RI Report due date

We are invoking this dispute in good faith and are ready to discuss this at the Project Coordinator level at your earliest convenience

If you have any questions, please contact Richard Schassburger of my staff at 966-4888

Sincerely,

*James K. Hartman*  
James K. Hartman  
Assistant Manager for Transition  
and Environmental Restoration

CORRES CONTROL x x  
PATS/1130G  
*Adam Kie*

Reviewed for Addressee  
Corres Control RFP

9-30-93 *Ci*  
DATE BY

Ref Ltr #

DOE ORDER # 5400

10/2

M Hestmark & G Baughman  
93-DOE-10930

2

cc

A Rampertaap, EM-453  
R Schassburger, ERD, RFO  
S Grace, ERD, RFO  
N Hutchins, EG&G  
W Busby, EG&G  
A Primrose, EG&G  
B Fraser, EPA

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